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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,009	07/21/2003	Alphonso Thomas Semmes JR.	GL041/00GL5	5719

32885 ; 7590 11/28/2006

STITES & HARBISON PLLC
424 CHURCH STREET
SUITE 1800
NASHVILLE, TN 37219-2376

EXAMINER

PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,009

Applicant(s)

SEMMES ET AL.

Examiner

Brian T. Pendleton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 34 is rejected under 35 U.S.C. 102(e) as being anticipated by Silfvast, US Patent 6,728,382. Silfvast discloses an audio mixer comprising a mainframe 300, inherent incoming and outgoing audio signals, a console 350, and monitor 312. The monitor 312 is a graphical user interface for computer control of the mixer, therefore it displays a video signal that corresponds to an outgoing audio signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 9-14, 19, 24, 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkowski, US Patent 7,006,154 in view of Silfvast. Dudkowski discloses a live television signal editing apparatus comprising video inputs 112, audio inputs 114, mixer 120, monitor 150, and audio monitoring system 160. There are video and audio outputs 122 and

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124. Dudkowski does not disclose a plurality of user operable audio channel controls for selecting a predetermined audio processing function for a respective audio channel. Silfvast discloses an audio mixer console having a plurality of user operable audio channel controls. See figures 3 and 4. The audio mixer console can be used for mixing audio of live television broadcast signals. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Dudkowski to have the plurality of user operable audio channel controls, as taught by Silfvast, for the purpose of enabling sophisticated sound processing of the audio inputs.

114. Claims 1, 3, 4, 11-14, 29, 30, and 33 are rejected.. Regarding claim 19, there is a PL and Tally System 170. As to claims 24 and 31, the mixer 120 is capable of switching between audio signals. Regarding claims 9 and 10, Dudkowski teaches that pre-recorded video and audio can be mixed by mixer 120 in column 5 lines 56-64. Regarding claim 32, it was obvious to include more than one monitor for multiple video sources for the purpose of monitoring specific video sources.

Claims 2, 5-8, 15-18, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkowski in view of Silfvast as applied to claims 1 above, and further in view of Brunelle, US Patent 5,608,807. The combination of Dudkowski and Silfvast does not disclose a meter bridge that includes an indicator corresponding to a channel control function. Brunelle discloses an audio mixer comprising a meter bridge 8 that corresponds to a channel control function. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Dudkowski and Silfvast to include a meter bridge, as taught by Brunelle, since it was well known in the art to include that feature for a mixer which expanded its utility. Claims 2, 5, and 25-27 are rejected. Regarding claims 6-8, it was obvious to include more than one

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monitor for multiple video sources and in view of Brunelle, to have each monitor integral with a meter bridge to monitor a specific video source. Regarding claims 15-18 and 28, the choice of the number of display monitors is one of obvious design and one of ordinary skill in the art would have realized the claimed number of monitors without undue experimentation.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkowski in view of Silfvast as applied to claim 19 above, and further in view of Davis, US Patent 5,479,519. The combination of Dudkowski and Silfvast does not disclose that the tally is a LED indicator. Davis discloses a mixing console having a plurality of tallies 144, 146 which have a LED indicator for indicating the live output. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Dudkowski and Silfvast to have tallies, as taught by Davis, for the purpose of indicating the live output which eliminates outputting an incorrect video signal. Claim 20 is met. Regarding claims 21-23, it would have been obvious to use any number of tallies (using any number of distinguishable colors) to indicate the statuses of video signals for the purpose of broadcast control.

Conclusion

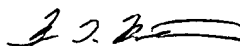
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian T. Pendleton
Primary Examiner
Art Unit 2615



btp